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December 2, 2004

VIA FACSIMILE AND U.S. MAIL

Alphonse A. Gerhardstein, Esq.
Laufman & Gerhardstein
1409 Enquirer Building
617 Vine Street
Cincinnati, Ohio 45202

Re: Patricia Kammeyer, et al. v. City of Sharonville, et al.
U.S. District Court, Southern District of Ohio, Case No. C-1-01-649

Dear Mr. Gerhardstein:

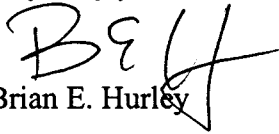
As part of Plaintiffs argument that their claims are not barred by the statute(s) of limitation they argue that Rule 11 prevented Mr. Clark from commencing litigation against the City and its employees. More specifically, Mr. Clark states that he had insufficient information to bring those claims. Yet, six months after Plaintiffs terminated their relationship with Mr. Clark you filed this lawsuit. This means that at that time you believed you had sufficient information to bring the claims against the City and its employees even though you had been denied access to the City's murder investigation file during those six months. Defendants will need to take Mr. Clark's deposition, and question him about these and other issues. However, it will also be necessary to take your and Paul Laufman's depositions to, at the very least, help determine if Mr. Clark's Rule 11 argument has any credibility. Please let me know when you and Mr. Laufman are available for deposition so they can be taken at a time convenient for both of you. If you do not provide me with dates by December 15, 2004, I will have you served with subpoenas.

Where are the rest of the documents requested of Mr. Wright?



I remain

Very truly yours,


Brian E. Hurley

BEH/ll

VIA FACSIMILE

cc: Robert J. Gehring, Esq.
Lawrence E. Barbieri, Esq.
Thomas T. Keating, Esq.
Randolph H. Freking, Esq.
Roger Schoeni, Esq.
Brian L. Wildermuth, Esq.
Alan Abes, Esq.
Holly Marie Wilson, Esq.

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December 6, 2004

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Randolph H. Freking
Leslie Ghiz
Freking & Betz
215 E. Ninth St.
Cincinnati, OH 45202

Re: *Kammeyer, et al. v. Sharonville, et al.*
S.D. Ohio Case No. C-1-01-649

Dear Counsel:

Enclosed please find a copy of the records requested of Mr. Wright.

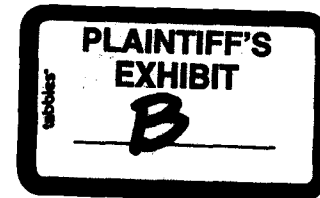
On December 2, 2004 Brian requested dates for the depositions of me and Paul Laufman. We disagree that any of the pleadings filed to date support a valid basis for the depositions of plaintiffs' current counsel. We will not be available for such deposition.

When will defendants finish Dale Dorning's deposition?

Sincerely,

COPY

Alphonse A. Gerhardstein



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December 8, 2004

VIA FACSIMILE AND U.S. MAIL

Alphonse A. Gerhardstein, Esq.
Laufman & Gerhardstein
1409 Enquirer Building
617 Vine Street
Cincinnati, Ohio 45202

Re: Patricia Kammeyer, et al. v. City of Sharonville, et al.
U.S. District Court, Southern District of Ohio, Case No. C-1-01-649

Dear Mr. Gerhardstein:

I am in receipt of your letter of December 6, 2004 and the records enclosed with the letter.

The records Plaintiffs produced raise a number of questions. Plaintiffs had repeatedly stated that the only documents not already produced were those of Mr. Wright's marriage counselor. Yet they are not among the records just sent. Where are those records? Further, despite your statements that all other medical/counseling records had been produced, Plaintiffs now produce a large number of additional records. Do those represent the full and final response by Plaintiffs Kammeyer, Miller and Baker? If, as was required, a diligent search had been previously done, why weren't these records found and produced months ago? Has Dr. Deardorff reviewed these records? Defendants cannot complete the Plaintiffs' depositions until all of the requested documents have been produced, and it may be necessary to further question Dr. Deardorff.

I am not surprised that you and Mr. Laufman do not agree that Defendants have the right to take your depositions.¹ Indeed, you have disagreed with me with respect to most of Defendant Nuss's discovery requests, and on each occasion you have been wrong. What I asked is that you provide me with date(s) on which you are available for your depositions to be taken. Since you have

¹Plaintiffs apparently believe that they are entitled to conduct the most wide-ranging discovery imaginable, but, when it comes to discovery of them, they have taken, and continue to take, restrictive and legally unsupportable positions.



not provided any dates, I will choose dates convenient to Defendants' counsel and have you and Mr. Laufman served with subpoenas. If you change your mind in this regard, let me know.

I do not know if Mr. Dorning has completed his review of the records, and will wait to hear from Mr. Clark in this regard.

I remain

Very truly yours,



Brian E. Hurley

BEH/ll

VIA FACSIMILE

cc: Lawrence E. Barbieri, Esq.
Thomas T. Keating, Esq.
Randolph H. Freking, Esq.
Roger Schoeni, Esq.
Brian L. Wildermuth, Esq.
Alan Abes, Esq.
Holly Marie Wilson, Esq.

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